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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,927	11/27/2001	Pieter A. Van Der Spek	P 284079 3738US/CNT1	5412

909 7590 05/02/2003  
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MCLEAN, VA 22102

EXAMINER

SZEKELY, PETER A

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 05/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/993,927

Applicant(s)

VAN DER SPEK ET AL.

Examiner

Peter Szekely

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following: When describing component (C), on pages 2 and 3, a polymer and a compound are mentioned. This is confusing because on pages 4 and 5 all the examples are copolymers or terpolymers.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. Claims 1 and 7-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. See the objection to the specification.

3. Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no mention in the specification of an organic filler.

4. Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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Methylmethacrylic esters do not exist. Methyl methacrylate is an ester. Furthermore, Lotader AX8900 is an ethylene /methyl acrylate/ glycidyl methacrylate terpolymer. See US 2001/0012557, paragraph 0037, US 2003/0008141, paragraph 0056, US 6,476,158, Examples 7-11 or US 6,020,414, column 4, lines 1-4 (all enclosed).

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 7, 8 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claims 7 and 8 contain improper Markush language. The inorganic filler of claim 13 has no antecedent basis in claim 12.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-15 are rejected under 35 U.S.C. 102(b or e) as being anticipated by Kometani et al. 4,246,378, Iida et al. 4,284,540, Yamamoto et al. 4,456,719, Orikasa et al. 4,962,148, Nakamura et al. 5,017,650, Saltman 5,091,478, Mulholland 5,380,774, Amimoto et al. 5,424,104, Asano et al. 5,710,212, Onishi et al. 5,846,478, Statz 5,889,114, Imahashi 6,043,306 or Matsumoto et al. 6,174,943.

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10. Kometani et al. disclose polyesters in claims 1-3, copolymer in claim 6, glass fiber in claim 10, flame-retardants in column 4, lines 51-55 and copolymer ratios in Table 1. Iida et al. teach PET and copolymer in claims 1-4, glass fiber in claim 6, copolymer ratios in column 4, lines 22-33 and melamine in column 6, line 56. Yamamoto et al. recite polyester in claim 1, copolymer in claim 6, glass fibers in claim 9 and flame retardants in column 4, lines 54-56. Orikasa et al. display polyester and polyamide in claim 1, copolymer and its ratio in claim 6, polyamides in column 4, lines 62-68, list of copolymers in column 7, lines 18-30, glass fiber in column 12, lines 48-49 and flame retardants in column 13, lines 25-30. Nakamura et al. divulge polyester in claim 1, copolymer and its ratio in claim 2, glass fibers and flame-retardants in column 13, lines 23-45. Saltman reveals polyamide, copolymer and its ratio in claims 1, 2, 7 and 8, list of copolymers in column 10, lines 56-66, phosphates in column 11, line 36 and glass fibers in column 11, lines 7-8. Mulholland presents nylon and phosphites in claim 1, glass fibers in claim 12 and copolymers in claim 20. Amimoto et al. describe polyamide and copolymer in claim 2, organophosphorus compounds in claim 3, list of copolymers from column 7, line 4, to column 8, line 12, copolymer ratios in column 8, lines 26-28 and glass fibers in column 13, lines 31. Asano et al. discuss polyamide in claim 1, copolymers and their ratios in column 13, lines 12-31, glass fiber in column 9, line 62 and flame retardants in column 11, lines 40-41. Onishi et al. relate polyamide in claim 1, copolymer in claims 9-11, ratios in claims 7-8, fibers in column 5, lines 45-65 and organophosphates in column 8, lines 30-34. See also the paragraph overlapping columns 6 and 7. Statz cites polyesters and copolymers with their ratios in

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the claim, glass fibers in column 7, line 36, phosphates in column 7, line 54-55, list of copolymers in column 7, lines 18-27 and the paragraph overlapping columns 8 and 9. Imahashi lists polyamide in claim 1, copolymers in column 6, lines 50-65, glass fibers in column 7, line 9, polyesters in column 4, lines 10-14 and flame retardants in column 4, lines 43-45. Matsumoto et al. show polyester and copolymer in claims 1, 7 and 8, flame retardants in claims 4 and 5, list of copolymers in column 13, lines 38-42 and glass fiber in column 14, line 3. Applicants' claims are not novel.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Szekeley whose telephone number is (703) 308-2460. The examiner can normally be reached on 7:00 a.m.-5:30 p.m. Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (703) 306-2777. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Peter Szekeley  
Primary Examiner  
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P.S.

April 30, 2003